



2026:AHC:56723

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 275 of 2026

Jeesan

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sami Ullah Khan
Counsel for Opposite Party(s)	:	Chaman Aara, G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Learned AGA submits that notice of the present application has been served on the opposite party no.2-informant on 19.01.2026 and opposite party no.4-Child Welfare Committee on 06.01.2026. However, no one appears on their behalf nor any counter affidavit has been filed. Receiving endorsements produced by learned AGA, are taken on record.

2. Heard learned counsel for the applicant and Sri N.K.Sharma, learned AGA for the State-respondent. Ms. Chaman Aara, counsel for the opposite party no.3 is not present.

3. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 552 of 2025, under Sections 137(2), 87, 65(1) BNS and Section 3/4 POCSO Act, Police Station Dhanghata, District Sant Kabir Nagar during the pendency of trial.

4. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 12.09.2025. The victim returned to her parental house on the next date i.e. on 13.09.2025. The first information report was lodged on 24.10.2025. The delay in lodging the first

information report is fatal to the prosecution case. As per the first information report, the applicant is alleged to have forcibly taken the victim by a car to Lucknow and on the next day the victim returned. However, the victim in her statements under Sections 180 and 183 BNSS stated that the applicant had committed rape upon her. It is contended that the inconsistencies in the first information report and the statements of the victim under Sections 180 and 183 BNSS discredits the prosecution case at this stage. The victim is major. As per the ossification test report, the victim was found aged 16 years. The range of error in determining the age is about two years and the same should be read in favour of the applicant at this stage. At this stage, there is no corroborative evidence to link the applicant with the offence. The applicant is in jail since 29.10.2025 having no criminal history and in case he is enlarged on bail, he will not misuse the said liberty.

5. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the first information report has been lodged belatedly. As per the ossification test report, the victim was found aged 16 years. There are inconsistencies in the first information report and the statements of the victim under Sections 180 and 183 BNSS. At this stage, there is no corroborative evidence to link the applicant with the offence. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than four months and there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant **Jeesan**, involved in the aforesaid case be

released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence; and,
- (iii) shall not pressurize the prosecution witnesses.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

March 19, 2026

Lbm/-

(Vivek Varma,J.)